

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

R&B Department – Kurnool District – Sanction of Rs.1,00,00,000/- to deposit the same before Trial Court (Principal District Court Judge, Kurnool) as per the orders of High Court of A.P in ASMP.No.1749/2012 in AS.No.933/2011, in respect of work “Improvements to Nandyal – Thimmanayunipeta Road in Kurnool District” - Sanctioned - Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (R.VI) DEPARTMENT

G.O.Rt.No: 1424

Dated:21-12-2012

Read:-

From the Engineer – in -Chief(R&B) SR, Lr.No.30/APHM&  
ECRP/EE(t)/DEE8/AEE2/08, Dated:25.09.2012.

-X-X-X-X-X-

ORDER:

In the reference read above, the Engineer-in-Chief (R&B) Roads has stated that the work “Improvements to Nandyal – Thimmanayunipeta Road in Kurnool District under Package No. 36, KNL – 2 APM & ECRP was technically sanctioned for an amount of Rs.387.10 Lakhs and entrusted to M/s Progressive Constructions, Hyderabad as per the Agrt No.7/98-99 Dated 12.03.1999 under package No.36 (KNL-II) at 2.74% Less than ECV i.e Rs.35681564.00 on merit of tenders. Original period of completion was 15 months from the date of handing over the site (12.03.1999) and stipulated date of completion was 11.06.2000. The work was accorded extension of time three times i.e., on 31.07.2000, 31.03.2001 and finally up to 30.06.2001 without any claims for price escalation in extended period and completed the work within final extended period. Before, receiving the final bill, the contractor submitted a letter claiming compensation and escalation prices and loss of profit. The final bill was paid on 30.09.2002 without allowing price escalation & Release and Discharge certificate were also issued. The contractor filed a case vide O.S.No.5/2004 in the court of Principal District Judge, Kurnool on 13.02.2004, claiming compensation & escalation prices. The Honorable Principal District Judge, Kurnool has pronounced the judgment on 13.12.2010 in O.S.No.5/2004 duly directing the Defendants i.e., (1) the Government of A.P, Represented by the Secretary, (R&B), Hyderabad (2) The Chief Engineer (R&B), (APM & ECRP), Hyderabad (3) The Superintending Engineer, R&B Circle, Kurnool (4) The Executive Engineer, APM & ECRP, Nandyal, Kurnool District to pay an amount of Rs.1,25,00,000 with subsequent amount interest rate of 12% per annum from the date of Suit i.e., 13.02.2004 to till the date of payment by the defendants. Meanwhile, M/s Progressive Constructions Limited, Hyderabad filed the E.P.NO.23/2012 in Principal judge court due for this STATUSQUO. In view of the above, the Execute Engineer (R&B) Nandyal Division, filed an appeal suit to grant STAY of all further proceedings pursuant to the judgment and decree dated 13.12.2010 rendered in O.S.No.5/2004 on the file of Principal District Judge, Kurnool including execution of proceedings in E.P.No.23/2012 on the file of the same court vide AS MP.No.1749/2012 in AS.No.933/2012. The Hon’ble AP High Court have issued orders against decree dated 13.12.2010 rendered in OS.No.5/2004 on the file of the Principal District Judge, Kurnool including executing the proceedings in EP.No.23/2012 that **“There shall be interim stay of the impugned judgment and decree passed by the trail court in OS.NO.5/2004 subject to the conditions that the petitioner /Appellants depositing a sum of Rs.1.00 Crore before the trail court with in a period of 8 weeks from the date of orders(29.08.2012)”**. He has, therefore, requested the Government to sanction the amount for Rs.1.00 Crore at an early date so as to enable the Executive Engineer (R&B) Division, Nandyal to deposit the same in trail court (Principal District Court Judge, Kurnool) to avoid legal complications.

(P.T.O)

2. Government after careful examination of the matter hereby sanction an amount of Rs.1,00,00,000/-(Rupees one Crore only) to deposit the same in the Principal District Court Judge, Kurnool as per the orders of High Court of A.P in ASMP.No.1749/2012 in AS.No.933/2011, in respect of work "Improvements to Nandyal – Thimmanayunipeta Road in Kurnool District ".

3. The expenditure sanctioned in Para ( 2 ) above shall be debited to the under Head of account" 5054-COL on (R&B) 03-State Highways MH337-Road works GH11-Normal state plan – SH(04) – Highways works 530/531 – other Expenditure (charged) and shall initially be met by way of an advance from the contingency fund. Orders regarding release of funds from contingency fund will be issued by Finance (BG.I) Department separately.

4. The Engineer in Chief (R&B) State Roads shall also send necessary proposals to Finance (B.G-I) Department, at the appropriate time during the current Financial year 2012-13 for obtaining Supplementary Grant to recoup the advance Sanctioned from Contingency Fund.

5. The Engineer-in-Chief (R&B), State Roads, Hyderabad, shall take necessary action accordingly.

6. This order issues with the concurrence of Finance (Expr.PWD) Department, vide their U.O.No.32533/1423/A2/Expr.pw/2012, Dated:17-12-2012.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer-in-chief (R&B), State Roads, Hyderabad  
The Superintending Engineer (R&B) Kurnool District,  
The Prl. Account General, Andhra Pradesh, Hyderabad,  
The Pay and Accounts officer, Kurnool District,  
The Director of Works Accounts, Hyderabad,

Copy to:

The Finance (Exp.PW) Department.

The Finance (BG.I) Department

The P.S. to the Principal Secretary to Government, T,(R&B) Dept.,  
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER